

Appl. No. 10/715,752  
Docket No. CM2543CQ  
Amdt. dated August 24, 2009  
Reply to Office Action mailed on May 27, 2009  
Customer No. 27752

## REMARKS

### Claim Status

Claims 1, 3-4, 6-10, and 13-14 are pending in the present application. No additional claims fee is believed to be due.

Claims 2, 5, and 11-12 are canceled without prejudice.

Claim 1 has been amended to include the feature of extruder applications. Support for the amendment is found in claim 2, now canceled. Claim 1 has also been amended to include the features of claim 5, now canceled. Claim 1 has further been amended to include the feature of , said extruder-applicators extruding said active material through a die onto the surface of the first tool. Support for this amendment can be found at page 9, lines 23-25 of the specification.

Claim 6 has been amended to delete the feature of a coater comprising a multitude of extruder-applicators, which provide a multitude of extruded essentially unbroken lines of the active material, as this feature is already recited in claim 1.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

### Interview Summary

Applicants' attorney would like to thank Examiner Mazumdar for the courtesy of a telephone interview on August 21, 2009. During the interview, Applicants' attorney pointed out, with regard to the §112 rejection, that "a multitude of unbroken lines" was meant to be synonymous and interchangeable with "a multitude of beads" previously recited in the claims, and thus did not constitute new matter. Applicants referred to figures 1 and 1B, which show unbroken lines of adhesive (i.e., beads) on the surface of a roll. Applicants' attorney also referred to page 9, lines 21-26 of the specification, which

Appl. No. 10/715,752  
Docket No. CM2543CQ  
Amdt. dated August 24, 2009  
Reply to Office Action mailed on May 27, 2009  
Customer No. 27752

discloses forming a multitude of endless beads on the surface of a tool (e.g., roll) by continuously applying the adhesive to the surface of the tool.

With regard to the §102(b) rejection, Applicants attorney pointed out that extruder-applicators are not the same as the gravure-type roll disclosed in Hagemeister. Applicants pointed out that extruder-applicators typically extrude a substance through a die. Examiner Mazumdar suggested that the claims be amended to reflect this feature in order to further distinguish extruder-applicators from gravure-type rolls.

In view of the interview and the discussions held therein, Applicants respond below to the rejections raised by the Office.

**Rejection Under 35 USC §112, first paragraph**

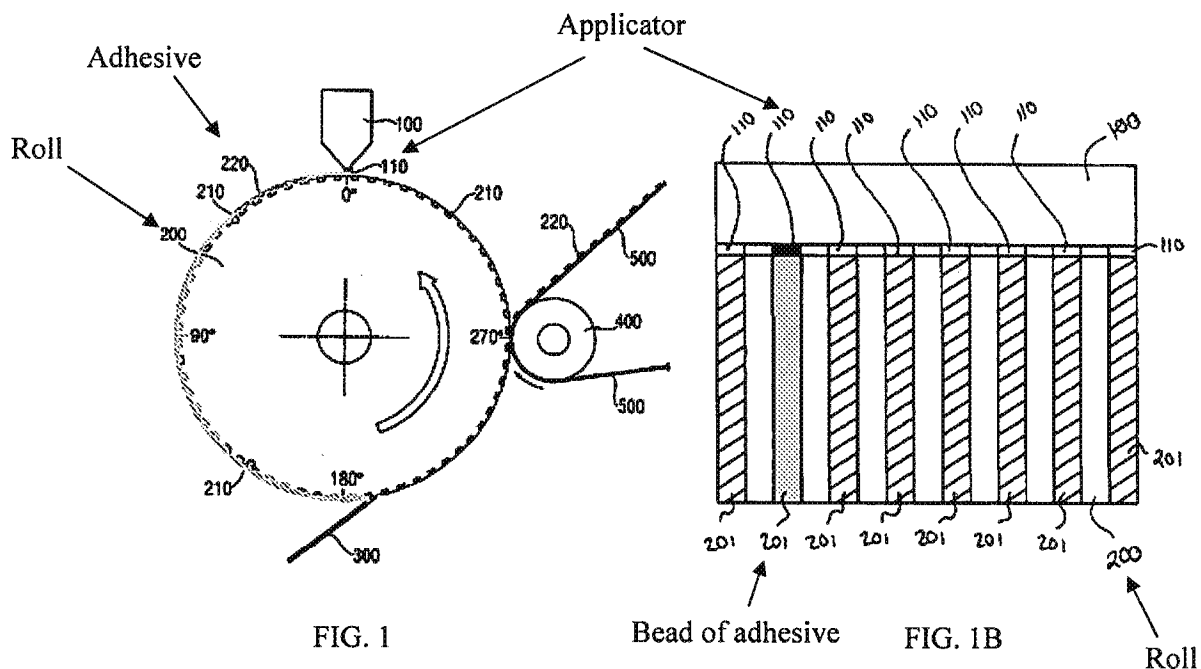
Claims 1-14 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

The function of the written description requirement is to ensure that the inventor had possession of, as of the filing date of the application relied on, the specific subject matter later claimed by him or her. (*In re Herschler*, 591 F.2d 693, 700-01, 200 USPQ 711, 717 (CCPA 1979)).

The Office Action asserts that the specification does not teach applying adhesive in the form of a multitude of essentially unbroken lines, but rather refer to applying adhesive as beads. (The Office Action, page 3).

As pointed out above in the Interview Summary, it is Applicants' position that the terms "beads" and "lines" may be synonymous in some instances. In support of this position, Applicants would like to point out that when a line of caulk is used to seal a common bathtub, the line of caulk is sometime referred to as a "bead of caulk." Further, Applicants would like to point out that figure 1B clearly shows an unbroken "line" of active material. Applicants have included figure 1B below to illustrate this point. Certain features illustrated in the figure have been labeled as they are referred to in the

specification. In an effort to more clearly show particular elements depicted in FIGs 1 and 1B, Applicants have shaded one of the plurality of applicator units (110) black and one of the multitude of beads (201) of adhesive (220) gray. As can be seen in FIGs 1 and 1B below, one example of a bead (201) of adhesive (220) comprises a substantially unbroken line or stripe of adhesive.



In view of the foregoing remarks, it is Applicants' position that one of ordinary skill in the art would recognize that Applicants were in possession of the subject matter recited in claims 1, 3-4, 6-10, and 13-14. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

**Rejection Under 35 USC §112, second paragraph**

Claims 1-14 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully traverse the rejection.

Appl. No. 10/715,752  
Docket No. CM2543CQ  
Amdt. dated August 24, 2009  
Reply to Office Action mailed on May 27, 2009  
Customer No. 27752

The Office Action states that by looking at Figures 1 and 1B, it is unclear as to what “multitude of essentially unbroken lines” means. (The Office Action, page 3).

As discussed above, figures 1 and 1B show a multitude of unbroken lines (i.e., beads) (201) of active material (220) applied to the surface of a roll (200). In addition to figures 1 and 1B, Applicants invite to the Office to review pages 9 and 10 of the specification, where it is disclosed that the process may be continuous and endless beads may be formed on an endless surface of a first tool.

In view of the foregoing remarks, it is Applicants’ position that the present specification provides disclosure that is sufficiently clear to provide a clear measure of what Applicants regard as the invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

**Rejection Under 35 USC §102(b) Over Hagemeister**

Claim 2 has been rejected under 35 U.S.C. 102(b) as anticipated by PCT Publication No. WO 96/38113 to Hagemeister, et al. (hereafter “Hagemeister”). Claim 2 has been cancelled, rendering the rejection moot. Nevertheless, Applicants will traverse the rejection, as claim 1 of the present application now recites features previously recited in claim 2.

The law is well settled that “[a] claim is anticipated only if each and every element as set forth in the claim is found . . . in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQD2d 1051, 1053 (Fed. Cir. 1987).

The Office Action asserts that Hagemeister teaches a method of coating an adhesive onto a fabric, and that the adhesive is extruded onto the surface of a roller, i.e., first (14), in the form of a multitude of line (2) by means of a coater unit (31) that has a multitude of extruder-applicators, in the form of surface cavities. (The Office Action, page 4).

As best understood by Applicants, Hagemeister discloses a gravure-type printing roll (31) that passes through a bath of molten adhesive. (Hagemeister, page 13, third full

paragraph). The molten adhesive is transported by the roll (31) to the surface of a sanitary napkin (10). (*Id.* at paragraph bridging pages 13-14).

Claim 1 recites, among other things, applying said active material to a surface of a first tool in the form of a multitude of essentially unbroken lines with a coater unit having a multitude of extruder-applicators that are in close proximity to the surface, and positioned above the surface, said extruder-applicators extruding said active material through a die onto said surface of the first tool.

Applicants would like to point out that the adhesive of Hagemeister is not applied to the surface of the roll (31) with a multitude of extruder applicators. Rather, the adhesive of Hagemeister is contained in an adhesive bath (36) through which the roll (31) “dives.” (Hagemeister, page 13, second full paragraph). The adhesive is then transported to the surface (11) of a sanitary napkin (10) by the indentations in the surface of the roll (31). Further, Hagemeister does not disclose extruding the adhesive through a die, as recited in claim 1 of the present application.

Claim 1 also recites that the temperature of the coater is at least 5°C less than the temperature of the surface of the first tool. Applicants are unable to find any teaching in Hagemeister of the temperature of the coater being at least 5°C less than the surface temperature of the first tool.

In view of the foregoing remarks, it is Applicants’ position that Hagemeister does not teach each and every element recited in claim 1 of the present application, or any claim depending therefrom. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn.

**Rejection Under 35 USC §103(a) Over Sirota in View of Koehn and Goodnow**

Claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 3,574,153, issued to Sirota (hereinafter “Sirota”) in view of U.S. Pat. No. 6,475,283 issued to Koehn (hereinafter “Koehn”) and U.S. Pat. No. 4,906,335 issued to Goodnow, *et al.*, (hereinafter “Goodnow”). Applicants respectfully traverse the rejection.

Appl. No. 10/715,752  
Docket No. CM2543CQ  
Amdt. dated August 24, 2009  
Reply to Office Action mailed on May 27, 2009  
Customer No. 27752

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the Office must show that all of the claim elements are taught or suggested in the prior art. (See, *CFMT, Inc. v. Yieldup Int'l Corp.*, 349 F.3d 1333, 68 U.S.P.Q.2D 1940 (Fed. Cir. 2003)).

The Office Action asserts that Sirota teaches a process of applying hot melt adhesive composition onto flexible web substrates wherein a pot (i.e., coater unit (10)) dispenses adhesive (11) over a roller (12). (The Office Action, page 4). The Office Action acknowledges that Sirota does not teach applying adhesive as multitude of lines, and looks to Koehn for this missing disclosure of Sirota. (*Id.* at page 5). In addition, the Office Action acknowledges that Sirota does not teach positioning a doctor blade at a certain angle, and looks to Goodnow for this missing disclosure of Sirota. (*Id.*).

Even assuming, for the sake of argument, that Sirota, Koehn, and Goodnow contain the disclosure for which each is cited, the Office has not shown where in the combination of Sirota, Koehn and Goodnow there is any teaching or suggestion of extruder-applicators extruding active material through a die onto said surface of the first tool, as recited in claim 1 of the present application. In addition, Applicants are unable to find any teaching in Sirota, Koehn or Goodnow of the temperature of the coater being at least 5°C less than the surface temperature of the first tool.

In view of the foregoing remarks, it is Applicants' position that the combination of Sirota, Koehn and Goodnow does not teach or suggest each and every element recited in claim of the present application, or any claim depending therefrom. Accordingly, Applicants respectfully request that the rejection of claims 1 and 3 under 35 U.S.C. §103(a) be withdrawn.

**Rejection Under 35 USC §103(a) Over Lender in View of Koehn and Goodnow**

Claims 1, 3, and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0978263, to Lender, et al. (hereinafter "Lender") in view of Koehn and Goodnow. Applicants respectfully traverse the rejection.

The Office Action asserts that Lender teaches applying hot melt adhesive onto articles with a coated unit that dispenses adhesive on an engraved roller. (The Office

Appl. No. 10/715,752  
Docket No. CM2543CQ  
Amdt. dated August 24, 2009  
Reply to Office Action mailed on May 27, 2009  
Customer No. 27752

Action, page 5). The Office Action acknowledges that Lender does not teach applying adhesive as a multitude of lines with a coater unit having a multitude of applicators, nor does Lender teach positioning a doctor blade at a certain angle tangent to the surface of a roller. The Office looks to Koehn and Goodnow for the missing disclosure of Lender.

For the sake of brevity, Applicants will not repeat the remarks made above with regard to Koehn and Goodnow. However, it is Applicants' position that the Office Action has not shown where in the combination of Lender, Koehn and Goodnow there is any teaching or suggestion of extruder-applicators extruding active material through a die onto said surface of the first tool, as recited in claim 1 of the present application. In addition, Applicants are unable to find any teaching in Lender, Koehn or Goodnow of the temperature of the coater being at least 5°C less than the surface temperature of the first tool.

In view of the foregoing remarks, it is Applicants' position that the combination of Lender, Koehn and Goodnow does not teach or suggest each and every element recited in claim of the present application, or any claim depending therefrom. Accordingly, Applicants respectfully request that the rejection of claims 1, 3, and 11 under 35 U.S.C. §103(a) be withdrawn.

**Rejection Under 35 USC §103(a) Over Sirota, in View of Koehn, Goodnow, and  
Further in View of Lender and Friesch**

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Sirota in view of Koehn and Goodnow as applied to claim 3, and further in view of Lender et al. (EP 0978263, hereafter "Lender") and Friesch (U.S. Pat. No. 5,064,492, hereafter "Friesch"). Applicants respectfully traverse the rejection.

For the sake of brevity, Applicants will not repeat the foregoing remarks directed to the lack of disclosure of Sirota, Koehn, and Goodnow. However, Applicants submit that the Office Action has not properly shown that Lender, and Friesch overcome the lack of disclosure of Sirota, Koehn, and Goodnow. Accordingly, Applicants respectfully request that the rejection of claim 4 under 35 U.S.C. §103(a) be withdrawn.

Appl. No. 10/715,752  
Docket No. CM2543CQ  
Amdt. dated August 24, 2009  
Reply to Office Action mailed on May 27, 2009  
Customer No. 27752

**Rejection Under 35 USC §103(a) Over Sirota, in View of Koehn, Goodnow, and  
Further in View of Hefe I**

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota in view of Koehn and Goodnow as applied to claim 3, and further in view of U.S. Pat. No. 5,569,348 to Hefe, et al. (hereinafter "Hefe I"). Applicants respectfully traverse the rejection.

For the sake of brevity, Applicants will not repeat the foregoing remarks directed to the lack of disclosure of Sirota, Koehn, and Goodnow. However, Applicants submit that the Office Action has not properly shown that Hefe I overcomes the lack of disclosure of Sirota, Koehn, and Goodnow. Accordingly, Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. §103(a) be withdrawn.

**Rejection Under 35 USC §103(a) Over Sirota, in View of Koehn, Goodnow, and  
Further in View of Hefe I**

Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota in view of Koehn and Goodnow as applied to claim 1, and further in view of U.S. Pat. No. 4,141,313 to Hefe, et al. (hereinafter "Hefe II"). Applicants respectfully traverse the rejection.

For the sake of brevity, Applicants will not repeat the foregoing remarks directed to the lack of disclosure of Sirota, Koehn, and Goodnow. However, Applicants submit that the Office Action has not properly shown that Hefe II overcomes the lack of disclosure of Sirota, Koehn, and Goodnow. Accordingly, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. §103(a) be withdrawn.

**Rejection Under 35 USC §103(a) Over Sirota, in View of Koehn, Goodnow, and  
Further in View of Kaylor**

Claims 10, 12, and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota in view of Koehn and Goodnow as applied to claim 3, and further in view of U.S. Publication. No. 2003/0138570 filed by Kaylor, et al., hereafter "Kaylor"). Applicants respectfully traverse the rejection.



Appl. No. 10/715,752  
Docket No. CM2543CQ  
Amdt. dated August 24, 2009  
Reply to Office Action mailed on May 27, 2009  
Customer No. 27752

For the sake of brevity, Applicants will not repeat the foregoing remarks directed to the lack of disclosure of Sirota, Koehn, and Goodnow. However, Applicants submit that the Office Action has not properly shown that Kaylor overcomes the lack of disclosure of Sirota, Koehn, and Goodnow. Accordingly, Applicants respectfully request that the rejection of claims 10, 12, and 13 under 35 U.S.C. §103(a) be withdrawn.

**Rejection Under 35 USC §103(a) Over Sirota, in View of Koehn, Goodnow, and Hefe I and Further in View of Datta**

Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Sirota in view of Koehn, Goodnow and Hefe I as applied to claim 7, and further in view of Datta et al. (U.S. Pat. No. 5,695,376). Applicants respectfully traverse the rejection.

For the sake of brevity, Applicants will not repeat the foregoing remarks directed to the lack of disclosure of Sirota, Koehn, Goodnow and Hefe I. However, Applicants submit that the Office Action has not properly shown that Datta overcomes the lack of disclosure of Sirota, Koehn, Goodnow and Hefe I. Accordingly, Applicants respectfully request that the rejection of claim 14 under 35 U.S.C. §103(a) be withdrawn.

**Conclusion**

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 - 14 is respectfully requested.

Respectfully submitted,

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Date: August 24, 2009  
Customer No. 27752